

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4

5 ORACLE AMERICA, INC.

6 Plaintiff,

7 vs. No. 3:10-cv-03561-WHA

8 GOOGLE, INC.,

9 Defendant.

21 REPORTED BY:

22 REBECCA L. ROMANO, RPR, CSR No. 12546

23 JOB NO. 2241710

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1 copyright as an indispensable tool in the
 2 open source movement; is that correct?
 3 A. That seems reasonable. I would -- that
 4 sounds right.
 5 Q. And why does that sound right to you?
 6 A. As I mentioned before, copyright provides
 7 legal protection to the person who is the copyright
 8 holder, and that legal protection allows you to
 9 license your work in different ways.
 10 Q. And so copyright gives you the ability to
 11 enforce those license conditions, true?
 12 A. I'm -- I'm not a lawyer, but this is my
 13 general understanding.
 14 Q. So one of the -- one of the things that
 15 is sometimes a characteristic of copyleft license
 16 is that it's called "viral."
 17 Have you heard that term?
 18 A. I have heard that term, yes.
 19 Q. And do you understand that term, "viral,"
 20 in connection with copyleft licenses to mean that
 21 the code becomes, quote/unquote, infected, and,
 22 therefore, certain compliance is required?
 23 MR. KAMBER: Objection to form.
 24 THE DEPONENT: In my classes -- it's an
 25 interesting thing that you bring up -- I try to

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1 that right?
 2 A. Yes, I just -- given back to, in the
 3 sense that if you make modifications, you have to
 4 license them the same way. So they must be made
 5 available, that's correct.
 6 Q. All right. And in -- in that sense it's
 7 quite a positive, right, that -- that everybody's
 8 contributing and everybody is required to
 9 contribute in order to advance the code base.
 10 A. I think that's right.
 11 Q. And it would not be very good in that
 12 licensing scheme if somebody decided that they were
 13 going to take all the work that others were doing
 14 and not give back.
 15 MR. KAMBER: Objection to form.
 16 THE DEPONENT: I am not sure if you are
 17 asking, if somebody used software that is licensed
 18 with a copyleft license, like the GPL, and did not
 19 obey the licensing, or if you are asking, in
 20 general, whether software that's modified must be
 21 put back in its source form.
 22 Q. (By Ms. Hurst) Well, let's start with
 23 did not obey the license, right, that everybody --
 24 and under this license scheme, everybody is
 25 supposed to be giving back for the common good, and

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1 discuss why "viral" may not be the right word. It
 2 is a little more common today because we have viral
 3 videos which have a positive connotation. But in
 4 general, viruses are not viewed by the world as
 5 something that they want to have.
 6 So, although I do understand that the
 7 viral nature of certain licenses is something
 8 that's in common use, I think staying away from
 9 that pejorative and bad connotation is a -- is a
 10 good idea.
 11 Q. (By Ms. Hurst) So your view is that
 12 that -- that particular connotation that a license
 13 is viral is a negative.
 14 A. I think it depends on the context, and
 15 that some people would view that as a negative.
 16 Q. And is it true that it was viewed as more
 17 of a negative in the past than it is today?
 18 A. Again, I think as a general statement
 19 that's fair.
 20 Q. So putting aside positive or negative
 21 connotations for the moment, the -- what it means
 22 when a copyleft license is viral is that -- one
 23 example is that code modifications have to be given
 24 back to the community. They have to be published
 25 and given back to the open source community; is

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1 then one group of people just decides they are not
 2 going to do that anymore, that certainly would not
 3 be consistent with the license, would it?
 4 MR. KAMBER: Objection to form.
 5 THE DEPONENT: Again, if -- if -- if a
 6 group borrows -- if a group uses licensed software
 7 under, say, a GPL and does not put back their
 8 modifications, as I understand it, they would not
 9 be compliant with the license, that's correct.
 10 Q. (By Ms. Hurst) And in that situation,
 11 copyright would be an important tool to try to
 12 compel compliance, true?
 13 MR. KAMBER: Objection to form.
 14 THE DEPONENT: I am not sure how the law
 15 works in terms of trying to force compliance with a
 16 licensed piece of software. That sounds
 17 reasonable, but I'm not lawyer, and I'm not sure
 18 how that works.
 19 Q. (By Ms. Hurst) All right. But when you
 20 said -- when you provided background reading
 21 materials for your students that said copyright is
 22 an indispensable to the open source movement,
 23 that's partly what you had in mind, right, that if
 24 you are going to premise a license on this idea of
 25 giving back, you have got to have some way of

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